

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CINDY CODONI and MICHELLE
GEER,

Plaintiffs,

v.

PORT OF SEATTLE, ALASKA AIR
GROUP, and DELTA AIR LINES INC.,

Defendants.

CASE NO. 2:23-cv-795-JNW

ORDER REQUESTING
SUPPLEMENTAL BRIEFING

The Court has an ongoing duty to assess whether it has subject matter jurisdiction over a case. *United Investors Life Ins. Co. v. Waddell & Reed Inc.*, 360 F.3d 960, 967 (9th Cir. 2004) (“[T]he district court ha[s] a duty to establish subject matter jurisdiction over [a] removed action *sua sponte*, whether the parties raised the issue or not.”). Accordingly, the Court requests supplemental briefing from the parties on the following jurisdictional issues:

- (1) Whether the Price-Anderson Act applies to the Second Amended Complaint, even though the Second Amended Complaint does not mention a “nuclear incident” or “uranium.”

- 1 (2) Whether this Court has jurisdiction under the Federal Officer Removal
2 Statute, even though the Second Amended Complaint excludes flights
3 controlled by the Department of Defense.
- 4 (3) Whether this Court has federal-question jurisdiction in light of this
5 District's ruling in *Bearse v. Port of Seattle*, Case No. C09-0957-RSL,
6 2009 WL 3066675 (W.D. Wash. Sept. 22, 2009) (Lasnik, J).
- 7 (4) Whether the following exceptions to the Class Action Fairness Act
8 (CAFA) apply: (a) the local-controversy exception, or (b) either the
9 discretionary or mandatory version of the home-state exception
10 (sometimes called the "home-state controversy exception"). 28 U.S.C.
11 §§ 1332(d)(3), (4)(A)–(B).

12 The supplemental briefs addressing these issues may not exceed 4,200 words
13 and must be filed by Wednesday, October 16, 2024, by 5:00 p.m.

14 IT IS SO ORDERED.

15
16 Dated this 11th day of October, 2024.

17 

18 Jamal N. Whitehead
19 United States District Judge
20
21
22
23